

Case 4446D1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Lam, J. et al. Examiner: Baker, Maurie Garcia  
Serial No: 09/780,600 Art Unit: 1627  
Filed: February 9, 2001  
Title: NUCLEIC ACIDS LABELLED WITH EXTENDED RHODAMINE  
DYES

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR § 1.111 AND  
ELECTION OF SPECIES**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

With reference to the Office Action mailed June 12, 2002, the applicant now elects Group I, claims 46-65, as required under 35 USC § 121.

Applicant elects the species of labeled nucleic acid compound shown on the following page. The species reads on claims 46-49, 52-56, 59, and 61.

The species is consonant with the formula: NUC-L-D shown at page 61, line 1, as well as shown and described at other places in the application. NUC is selected from a dideoxynucleotide triphosphate terminator shown and described at page 63, lines 7 to 19. The nucleobase of NUC is a 7-deazapurine (7-deazaguanosine). L is selected from the linkage described at page 61, line 13 and shown at page 62, line 4. D is selected from the compounds of general structure shown in Formula I, for example at page 16, line 20 and where R<sub>8</sub> has the structure shown at page 22, line 5.

The applicant feels that the pending claims in the present application are in condition for allowance, and allowance is therefore respectfully requested.

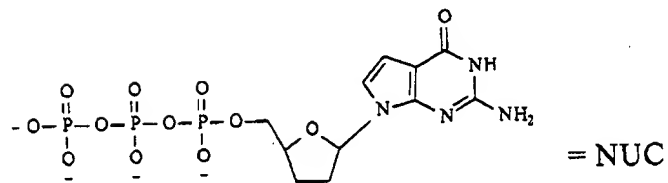
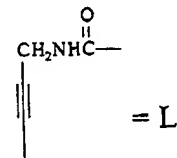
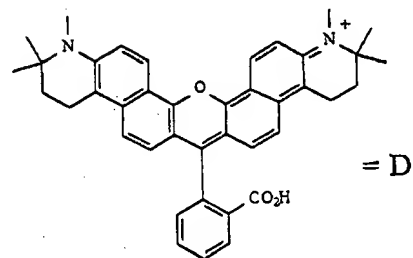
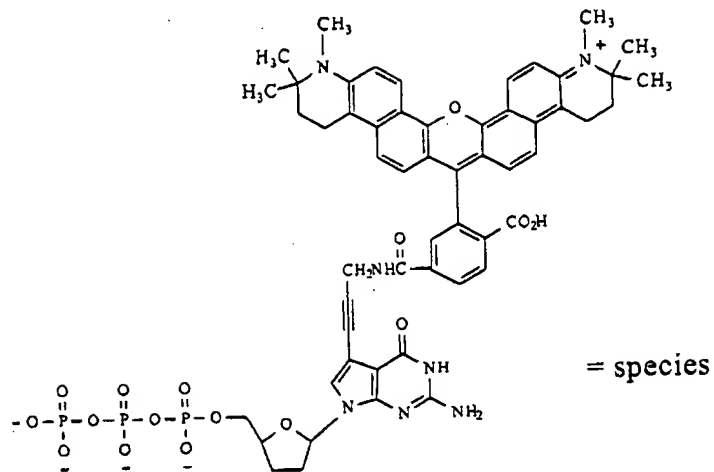
32438\_2.DOC

BEST AVAILABLE COPY

08/23/2002 RHARMON 00000002 012213 09780600

01 FC:116 400.00 CH

#4  
JRP  
8/22/02



BEST AVAILABLE COPY

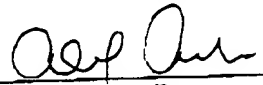
Case 4446D1

A two month extension is considered by the applicant to be required. The Commissioner is authorized to withdraw fees for the extension, and for any additional fees which are required, from deposit account 01-2213.

Respectfully submitted,

**CORRESPONDENCE ADDRESS**

Customer Number 22896  
Applied Biosystems  
850 Lincoln Centre Drive  
Foster City, California 94404  
TEL: 650 638-5607  
FAX: 650 638-6677

  
Alex Andrus, Ph.D.  
Reg. No. 44,509  
Agent for Applicants

32438\_2.DOC

**BEST AVAILABLE COPY**



# RESTRICTION ELECTION FACSIMILE TRANSMISSION

FAX RECEIVED

AUG 14 2002

GROUP 1600

DATE: August 13, 2002

FROM/ATTORNEY: Alex Andrus

FIRM: Applied Biosystems

PAGES, INCLUDING COVERSHEET: 4

PHONE NUMBER: 650 638-5607

OFFICIAL

TO EXAMINER: Maurie Garcia Baker, Ph.D.

ART UNIT: 1627

SERIAL NUMBER: 09/780,660 09/780 600

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY  
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: \_\_\_\_\_

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE  
TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE  
DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT  
DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE  
OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED  
STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS  
INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED  
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY  
ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENTS SHOULD  
BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR,  
PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.

**BEST AVAILABLE COPY**